

REMARKS

In an Office Action dated August 28, 2003, (paper no. 3) the Examiner rejected claims 1-14 under 35 U.S.C. §102(e) as being anticipated by Rinchiuso et al. (U.S. patent no. 6,144,651, hereinafter referred to as "Rinchiuso"). The rejections are traversed and reconsideration is hereby respectfully requested.

The Examiner rejected claims 1-14 under 35 U.S.C. §102(e) as being anticipated by Rinchiuso. Specifically, with respect to claim 1, the Examiner stated that Rinchiuso teaches receiving multiple uplink transmissions from multiple remote units involved in a group call (FIG. 1 and col. 3, lines 18-34), determining the remote unit from the multiple remote units based on an energy of the remote unit's uplink transmission (col. 4, lines 11-33), and assigning the remote unit a high data rate uplink channel based on the determination (col. 3, lines 18-21). The applicants respectfully disagree with the Examiner's interpretation of Rinchiuso.

First, nowhere does Rinchiuso teach determining a remote unit from multiple remote units based on an energy of the remote unit's uplink transmission. The section of Rinchiuso cited by the Examiner (that is, col. 4, lines 11-33) merely teaches that a base station receives a request from a remote unit to join a multicast session and, in response to receiving the request, determines whether the base station has already subscribed to the session (for example, the base station may have subscribed to the session in response to receiving an earlier request to join the session from another remote unit). If the base station has already subscribed to the session, the base station conveys an acknowledgment to the remote unit informing of a downlink channel that will be used by the base station to convey the multicast data. If the base station has not subscribed to the session, the base station conveys an upstream request to join the multicast session, and in response to joining the session, conveys the acknowledgment to the remote unit. Nowhere does Rinchiuso teach a determining of a remote unit from the multiple remote units based on an energy of the remote unit's uplink transmission.

Second, nowhere does Rinchiuso teach assigning the remote unit a high data rate uplink channel based on the determination (of the remote unit from multiple remote units

based on an energy of the remote unit's uplink transmission). The section of Rinchiuso cited by the Examiner (that is, col. 3, lines 18-21) merely teaches informing the remote unit of a downlink channel that will be used by the base station to convey the multicast data. As noted in col. 3, lines 42-45 of Rinchiuso, the base station may convey the data to the remote unit via either a downlink fundamental channel or a downlink supplemental channel, as the circuitry referred to therein is downlink channel circuitry for transmission of information by the base station to the remote unit. As is known in the art, depending upon a number of remote units subscribing to a multicast session and that are serviced by a base station, the base station may either broadcast the multicast data to all subscribing remote units via a downlink common channel or may individually convey the multicast data to each subscribing remote unit via a downlink fundamental channel. Nowhere does Rinchiuso teach assigning the remote unit a high data rate uplink channel. In fact, Rinchiuso makes no mention of high data rate uplink channels.

Therefore, Rinchiuso does not teach the limitations of claim 1 of determining the remote unit from the multiple remote units, wherein the remote unit is determined based on an energy of the remote unit's uplink transmission, and assigning the remote unit a high-data-rate uplink channel based on the determination. Accordingly, the applicants respectfully request that claim 1 may now be passed to allowance.

Since claims 2-6 depend upon allowable claim 1, the applicants respectfully request that claims 2-6 may now be passed to allowance.

Claim 7 provides for determining, from multiple uplink transmissions, a remote unit having a highest energy transmission and assigning the remote unit a second uplink communication signal based on the determination. As noted above, these limitations are nowhere taught by Rinchiuso. Accordingly, the applicants respectfully request that claim 7 may now be passed to allowance.

Since claims 8-10 depend upon allowable claim 7, the applicants respectfully request that claims 8-10 may now be passed to allowance.

Claim 11 provides a logic unit that assigns a remote unit a high speed data channel based on an energy of the remote unit's uplink transmission. As noted above, nowhere does Rinchiuso teach assigning a high speed data channel to a remote unit based on an energy of the remote unit's uplink transmission. Accordingly, the applicants respectfully request that claim 11 may now be passed to allowance.

Since claims 12-14 depend upon allowable claim 11, the applicant respectfully requests that claims 12-14 may now be passed to allowance.

As the applicants have overcome all substantive rejections and objections given by the Examiner and have complied with all requests properly presented by the Examiner, the applicants contend that this Amendment, with the above discussion, overcomes the Examiner's objections to and rejections of the pending claims. Therefore, the applicants respectfully solicit allowance of the application. If the Examiner is of the opinion that any issues regarding the status of the claims remain after this response, the Examiner is invited to contact the undersigned representative to expedite resolution of the matter.

Respectfully submitted,

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